

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**NEIGHBORHOOD HEALTH PLAN OF
RHODE ISLAND,**

Petitioner,

v.

**AMERICAN FIDELITY ASSURANCE
COMPANY**

Respondent.

Case No.

AMERICAN FIDELITY ASSURANCE COMPANY’S NOTICE OF REMOVAL

Respondent American Fidelity Assurance Company (“AFAC”) files this Notice of Removal under 28 U.S.C. §§ 1332, 1441, and 1446 and would show the Court the following:

1. On May 14, 2025, Petitioner Neighborhood Health Plan of Rhode Island (“Neighborhood”) petitioned the Superior Court of Rhode Island to vacate an arbitration award issued in an underlying arbitration between AFAC and Neighborhood (“State Court Action”). Neighborhood requests that the Superior Court vacate the underlying award issued in AFAC’s favor. The State Court Action was assigned case number PM-2025-02515.

2. In the underlying arbitration, Neighborhood alleged AFAC breached the parties’ reinsurance treaty and failed to provide coverage for an individual that was not disclosed during the disclosure process and demanded \$2,776,000 exclusive of interest in the underlying arbitration.

3. On May 3, 2025, the arbitration panel issued its final award in favor of AFAC.

4. AFAC was served with a summons in the State Court Action on May 14, 2025. AFAC files this notice of removal within the 30-day period required by 28 U.S.C. § 1446(b).

5. Complete diversity of citizenship exists between AFAC and Neighborhood as set forth below:

- a. Neighborhood is a Rhode Island non-profit corporation with its principal place of business in Smithfield, Rhode Island.
- b. AFAC is an Oklahoma corporation with its principal place of business in Oklahoma City, Oklahoma.

6. The amount in controversy exceeds \$75,000. While Neighborhood's Petition in the State Court Action (included in the Index of Copies of Pleadings and Documents from the State Court Action as Exhibit A) did not allege an amount in controversy, Neighborhood demanded \$2,776,000 exclusive of interest in the underlying arbitration.

7. All standards for removal based on diversity of jurisdiction exist. There is complete diversity of citizenship between AFAC and Neighborhood. AFAC is not a citizen of the forum state. The amount in controversy exceeds \$75,000. This Court has jurisdiction pursuant to 28 U.S.C. § 1332.

8. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the State Court Action is pending is located in this district.

9. An index and copies of all pleadings, process, orders, and other filings in the State Court Action are attached to this notice as required by 28 U.S.C. § 1446(a).

10. AFAC will promptly file a copy of this Notice of Removal with the clerk of the Superior Court of Rhode Island and notify Neighborhood of this Notice of Removal.

11. Neighborhood did not demand a jury trial in the State Court Action.

WHEREFORE, Respondent American Fidelity Assurance Company requests the United States District Court for the District of Rhode Island accept this Notice of Removal and assume jurisdiction of this case.

Respectfully submitted,

Date: June 3, 2025

/s/ Eric. E. Renner

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CERTIFICATE OF SERVICE

I, Eric E. Renner, certify that on this date, a true and correct copy of the foregoing Notice of Removal was served on all counsel of record electronically via the Court's electronic filing system and via first-class mail at the below address:

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Don Wineberg
Chace Ruttenberg & Freedman, LLP
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Providence, RI 02903

Counsel for Neighborhood Health Plan of Rhode Island

Date: June 3, 2025

/s/ Eric. E. Renner